

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,	: Case No.: 3:17CR174TMR
	:
Plaintiff,	: SENTENCING MEMORANDUM
	:
vs.	:
	:
JOEL MONTGOMERY,	:
	:
Defendant.	:

Plaintiff United States of America, by and through its counsel of record, the United States Attorney's Office for the Southern District of Ohio, hereby files the attached sentencing memorandum. This brief is based upon the attached memorandum of points and authorities, the files and records in this case, and any further evidence or argument as may be presented at this defendant's sentencing hearing.

DATED: February 17, 2020

Respectfully submitted,

DAVID M. DEVILLERS
UNITED STATES ATTORNEY

s/Brent G. Tabacchi
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SENTENCING MEMORANDUM

The United States respectfully requests that the Court accept the proposed binding plea agreement in this matter and sentence defendant Joel Montgomery to a term of 33 months' imprisonment. Imposing a term of imprisonment at the high end of the Guidelines not only will ease Mr. Montgomery's transition to supervision but also will ensure the safety of the community.

First, to date, Mr. Montgomery has not permitted the United States Probation Office access to his Spring Valley house (and likely residence upon release) for the purpose of a home visit. To the extent that he intends to reside at a different location upon completion of his custodial sentence, Mr. Montgomery has not identified that location for the Probation Office. A 33 month sentence will provide Mr. Montgomery with additional time to work with the Probation Office prior to his release to confirm his place of residence and provide that agency prompt access to it.

Second, Mr. Montgomery has not provided the Probation Office information concerning the whereabouts of 200 plus guns in which he has an apparent ownership interest as he has been ordered in a separate judicial proceedings to sell them.¹ (See

¹ During 2015, the Greene County Sheriff's Department seized a significant number of these guns from Mr. Montgomery's home. In his motion for bond, filed with this Court during December 2017, Mr. Montgomery acknowledged that the Sheriff's Office had returned these firearms to him shortly after that search. (See

PSR ¶ 79). As a convicted felon, Mr. Montgomery cannot possess -- whether actually or constructively -- any firearms. To prevent misunderstandings upon his release, a 33 month sentence will allow Mr. Montgomery an opportunity to disclose the location and ownership status of these firearms to the Probation Office before the expiration of his custodial sentence.

The United States requests that, following his release from imprisonment, Mr. Montgomery be placed on supervised release with several special conditions. First, given prior tacit threats to members of the prosecution team and prospective witnesses in his case, Mr. Montgomery should be barred from contact with these groups of individuals. Second, Mr. Montgomery should be required to provide continuing information to the Probation Office concerning the disposition of the firearms referenced above. Third, to ensure the safety of the Probation Office, Mr. Montgomery should be prohibited from installing surveillance cameras or similar devices upon his residence.

R. 25 at 76). Notably, his admission that Greene County Sheriff's Office had returned these firearms to him appears at odds with his recently filed motion for return of property in this Court. The United States will file a response to that motion in a separate pleading.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on defendant's counsel this 17th day of February 2020 via the Court's ECF System.

s/Brent G. Tabacchi

BRENT G. TABACCHI

Assistant United States Attorney